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Rules and Notifications
under the
Epidemic Diseases Act
1897

File No. Epid- Disease II/42.

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MRP.
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NOTIFICATION.

General Department.

Bombay Castle, 194

The Epidemic Diseases Act, 1897.

No.8589.- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 2 of the Epidemic Diseases Act. 1897 (III of 1897), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1942.

Any objections or suggestions which may be received by the Joint Secretary to the Government of Bombay, General Department from any person, with respect to the said draft, on or before the aforesaid date, will be considered by Government.

DRAFT NOTIFICATION

In exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897 (III of 1897), the Government of Bombay is pleased to amend the Cholera regulations published in Government Notification, General Department, No.8589 the 4th March 1939, as follows, namely:-

1. In regulation 10 of the said regulations,

(a) at the end after the words "segregated there" the following shall be inserted, namely:-

"The authority in charge of such hospital shall admit such persons in the hospital or make suitable temporary accommodation for them."; and

(b) for Note (2) below the said regulation, the following shall be substituted, namely:-

"Note (2). Names of railway stations at or near which hospital accommodation exists are shown in Schedule A appended to these regulations and the accommodation available for patients suffering from infectious diseases at or near those stations is shown in the last column of the said schedule."

2. In Schedule A to the said regulations --

(a) in the entry relating to Bhusaval station --

(i) in column 1 the word "Railway" shall be deleted.

(ii) in column 2 the figures and word "25 beds" shall be deleted,

(iii) in column 4 the words "Railway isolation ward" shall be deleted;

(b) in the entry relating to Manmad Station the word "Railway" in column 3 shall be deleted; and

(c) in the entry relating to Kalyan Station --

(i) in column 3 the words "and Railway" shall be deleted;

(ii) in column 4 the words "Railway isolation ward" shall be deleted.

By order of the Governor of Bombay,

Joint Secretary to Government.

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Office of the R.L.A.

The Note (2) under regulation 10 in the G.D. draft notification at pp.58-59 ante provides the names of stations at or near which hospital accommodation exists are shown in Schedule A appended to these regulations and the accommodation available for patients suffering from infectious diseases at or near those stations is shown in the last column of the said schedule. Turning to the schedule appended to the Regulations, the entries therein do not appear to be clear. Column 1 of the schedule specifies the station and is in order. Column 2 refers to 'hospital accommodation In this column an entry relating to certain number of beds occurs against 'Bhusawal' station, whereas the words 'Civil (Nasik City)' and ' a number of Civil Hospitals at Bombay' occur against the 'Nasik' and against the 'Dadar or Bombay' stations etc. The column and the entries therein are not intelligible. Similarly column 3 refers to certain dispensaries. It is not clear why these dispensaries are specified and whether accommodation is available in these dispensaries for patients suffering from infectious diseases. If so the reference to the last column only in the 2 would not be correct. G.D. is asked to reconsider the whole schedule in the light of the above remarks before the draft notification is scrutinised.

Sd. P.N.M.
11/9
Remembrancer of Legal Affairs.

U.R.to the G.D.,No.7329 dated the 12th September 1942.

28/4/56.

Office of the R.L.A.

Revised draft regulations are sent herewith. The regulations will have to be issued as made under section 2 of the Epidemic Diseases Act, 1897, and not under section 2A as in General Department Notification No.1453/33, dated the 21st September 1937.

2. Draft regulation 3.- The proviso to clause (a) of this regulation has been omitted. The object in view can be achieved by issuing executive instructions to the District Magistrate.

3. Draft regulation 15.- In sub-regulation (1), the words "or by such officer as the Provincial Government may empower in this behalf" are added to provide for area like the City of Bombay where is no Mamlatdar or Mahalkari.

4. Draft regulation 18.- This regulation is on the lines of the draft regulation 20 in the Government of India's draft. It prescribes the conditions of service of persons temporarily employed to do duty under the Regulations. It does not appear that such a regulation can be made under section 2 of the Epidemic Diseases Act, 1897. As, however, the Government of India has seen no objection to its inclusion in the Regulations it has been retained in the draft.

5. G.D. Draft regulation 20.- This regulation also cannot be made under section 2 of the Act. The object of regulation 20 can be achieved by issuing executive instructions to the police officers and police patels.

6. G.D.Draft regulation 22.- This regulation has been omitted in view of the provisions of section 3 of the Act.

Sd. P.N.M.
17/9.

Remembrancer of Legal Affairs.

U.R.to G.D.,No.7525, dated the 18th September 1942.

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28/4/56.

Draft Temporary Yelow Fever regulations as revised incorporating the points touched upon in the Government of India emergency Yellow Fever regulations.

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1. Definitions.- In these regulations unless there is anything repugnant in the subject or contxt,

(1) "Yellow Fever Controlling Officer" means an officer appointed by the District Magistrate under regulation 3;

(2) "infected area" means any place or area which is notified by the District Magistrate under regulation 2 to be infected with yellow fever;

(3) "threatened area" means any place or area which is notified by the District Magistrate under regulation 2 to be threatened with an infection of yellow fever;

(4) "building" or "premises" includes

(i) a house, out-house, stable, latrine, godown, shed, but, wall (other than boundary wall not exceeding 8' in height) and any other such structure, whether of masonary, bricks, wood, mud, metal or any other material whatsoever;

(ii) structure on wheels or resting on the ground without foundation; and

(iii) aship, vessel, boat, tent, van and any other such structure used for human habitation;

(5) 'land' includes the bed of any pond. tank. lake. water course. channel.

canal or stream;

(6) 'Village Officer' means the Police Patel or Patil or where there is no Police Patel or Patil the Revenue Patel or Patil, or where there is neither a Police nor a Revenue Patel or Patil, the Village Accountant or the Talati or the Kulkarni;

(7) 'Mosquito control Unit' means the Medical Officer in charge thereof and other persons deputed by the Director General, Indian Medical Service for the purpose of carrying out intensive anti mosquito measures in an infected area or a threatened area.

2. Notification of place or area as infected with or threatened with infection of Yellow fever.- The District Magistrate, by notification in the Official Gazette, may declare —

(a) any place or area in his district in which a case or a suspected case of yellow fever has occurred, or in which yellow fever exists among mosquitoes to be infected with yellow fever; and

(b) any place or area in his district in which there is reasonable ground to believe that infection of yellow fever is likely to be introduced, to be threatened with an infection of yellow fever.

3. Appointment of Yellow Fever Controlling Officer.- The District Magistrate may, subject to the general or special order of the Commissioner,

(a) appoint an officer to be Yellow Fever Controlling Officer for any threatened or infected area to carry out all or any of the measures prescribed under these regulations.

(b) provide such additional staff as may be necessary to ensure the effective execution of

of the measures required by these Regulations.

(c) designate a building or buildings for the accommodation of persons suffering or suspected to be suffering, from yellow fever and of persons considered as possibly having been infected with yellow fever: and cause every such building to be mosquito proofed in such manner as to preclude the access of mosquitoes to the persons accommodated therein.

4. Publication of list of towns and villages infected or threatened with infection of yellow fever.

(1) The District Magistrate shall cause to be published in every infected area and threatened area, a list of the towns and villages infected or threatened as the case may be with the infection of yellow fever and of the Yellow Fever Controlling Officers appointed for such area.

(2) When any infected area in one district is contageous to another district or is likely to be a source of infection to a neighbouring district, the District Magistrate of the former shall forward to the District Magistrate of the latter for publication. whenever and wherever necessary a list of infected towns and villages in the infected area. The District Magistrate of the latter district on receipt of the list of the towns and villages in the infected area shall forward a copy of the list to such local authorities in his district as he may deem fit.

5. Information to be given of persons suffering from Yellow Fever. In any town or village, which is not a cantonment and which

situated in an infected area a threatened area

(a) every medical practitioner and every person in charge of or in attendance on any case who knows or has reason to believe that any person in any dwelling place, not being a hospital or dispensary, is infected with yellow fever or is suspected to have been infected with yellow fever or is suffering from any fever accompanied by jaundice or has arrived from an infected area or has died of any fever within ten days of its onset;

(b) ever manager of a factory, or educational or other institution, every head of a household, and every owner or occupier of a building who knows or has reason to believe that any person residing in any building under his management or control is infected with yellow fever or is suspected to have been infected with yellow fever or is suffering from any fever accompanied by jaundice or has arrived from an infected area or has died of any fever within ten days of its onset; shall give information with the least possible delay of such infection or case or arrival or death to the nearest Yellow Fever Controlling Officer and the Chief Officer of the Municipality if any within whose area the dwelling place, or building is situated. If there be no municipality for the area, the information shall be conveyed to the Chief Officer of the District Local Board concerned. If the dwelling place or building in question is in a village, the information shall be conveyed to the nearest Yellow Fever Controlling Officer and to the village officer and the Chief Officer of the District Local Board concerned.

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6. Intimation of Yellow Fever case.- On the occurrence of the outbreak or occurrence of a case or suspected case of yellow fever or a case of any fever accompanied with jaundice within the limits of a Municipality or village in the area of a district local board, the Health Officer or the Chief Officer of a Municipality or the Chief of the District Local Board or the village officer, as the case may be, shall, with the least practicable delay, send intimation to the Mamlatdar or Mahalkari, to the Civil Surgeon, to the Health Officer of the District Local Board, if there be any such officer, and to the Assistant Director of Public Health of the Registration District informing them of such outbreak or occurrence.

7. Powers of Yellow Fever Controlling Officer. The Yellow Fever Controlling Officer may -

(1) remove or cause to be removed with the least possible delay any person suffering or suspected to be suffering from yellow fever or any person whom he considers as possibly having been infected with yellow fever to a mosquito-proofed building designated under clause (c) of regulation 3 for the accommodation of such persons and shall during the removal of such persons take all possible steps to preclude their being bitten by mosquitoes; provided that the persons whom as possibly having been infected shall not be detained in such building for more than thirteen days unless they develop symptoms of yellow fever during that period:

(2) arrange for the medical examination

of

of persons travelling by railway or by other means from an infected area or a threatened area and for the segregation of such persons for a period not exceeding thirteen days.

(3) carry out or cause to be carried out intensive spraying operations with an effective insecticide in the building in which a case or suspected case of yellow fever occurs and the surrounding buildings situated in an area of not less than four hundred ~~years~~ yards in every direction and in every other building visited by the patient during the seven days before he developed symptoms, or require the owners of such buildings to carry out such operations.

(4) direct, in consultation with the Assistant Director of Public Health, the Health Officer, if any, of the local authority concerned the Civil Surgeon or the Medical Officer in charge of a dispensary,

(a) in the case of an infected town or village, which is not a cantonment, that the bazar market or fair shall be held outside the inhabited area and at such a distance and in such place as he may prescribe;

(b) that any existing market in any infected area or in any threatened area, which is not a cantonment shall be closed; and

(c) that it shall not be lawful for persons bringing articles for sale from or to an infected area, to pass beyond such limits as he may prescribe Note: If the Yellow Fever Controlling Officer is a Medical practitioner he need not consult the authorities mentioned in clause (4) of the Regulation.

8. Power to order evacuation of premises, etc.- (1) In any infected area which is within

within the area of a District Local Board, the District Magistrate may order the evacuation of any buildings or premises in which a case or suspected case of yellow fever occurs and of any buildings or premises in the neighbourhood of such building or premises or of the infected areas generally or of any part thereof and no person shall except with the permission of the Yellow Fever Controlling Officer enter into such buildings until the operations referred to in regulation 7(3) have been effectively carried out therein:

Provided that, before issuing the order for evacuation the District Magistrate shall,

(a) satisfy himself in consultation with the Director of Public Health, or the Assistant Director of Public Health having jurisdiction over the area and the Civil Surgeon or the Health Officer of the District Local Board, if there be any such officer, as the case may be, of the district that the evacuation is necessary to check the further spread of Yellow Fever or is in the interest of the residents of the infected area having due regard to climatic conditions;

(b) provide adequate and suitable shelter and necessary water supply within a reasonable distance for the person required to evacuate or satisfy himself that such shelter and water supply have been provided by private agency and

(c) provide necessary arrangements for watch and ward;

(2) The District Magistrate may re[illegible] all persons, who evacuate their buildings or premises voluntarily or against whom an order or evacuation is passed under this regulation

regulation to reside in such place and for such period as he may direct.

9. Power to order ordinary antimosquito measures. The Yellow Fever Controlling Officer may, in consultation with any of the officers mentioned in the proviso (a) to regulation 8(1); in respect of any land take or order the owner of any land to take or adopt to the officer's satisfaction any or all of the following measures for preventing the breeding of mosquitoes upon the land, namely:-

(i) the removal and destruction or other effective disposal of all open tins, bottles, vases, boxes, cocuanut shells, split cocoanuts and other articles capable of holding accumulations of stagment water;

(ii) the maintenance of all gutters, downpipes and drains clear of all obstruction to the flow of water;

(iii) the maintenance of all cisterns, tanksm, and other receptables for water in good repair, keeping them at all times so cleansed, covered or treated as to make them mosquitoproof and emptying them at least once every week and providing such safe and easy means of access to any receptacles for the storage of water as the Yellow Fever Controlling Officer considers necessary;

(iv) in the event of there being on the land any artificial pond so constructed as to be capable of being emptied, emptying it at least once every week, or so treating it at least once every week as to render the breeding of mosquitoes impossible;

(v) the maintenance of all water-courses, streams, canals or channels passing through the land, in a condition capable of preventing the formation

formation of pools along their course;

(vi) the draining of any casual collection of water in any courtyard, garden, or other part of the land, or the elimination of all other potential breading-place such as hollowed bowls of trees, rotten trees stumps, open bamboo stumps or any other possible harbourage that may be indicated by the Yellow Fever Controlling Officer;

(vii) the removal of scrub or under growth or over-growth of rank or noxious vegetation, and clearing the land of unwholesome or filthy surroundings and where the land is within a radius of hundred yards of any building or structure used as a human dwelling clearing it of all vegetation, other than that grown for the purposes of food.

10. After the arrival of the mosquito control unit in a infected area or threatened area —

(a) all anti-mosquito measures shall be carried out under the direction of the officer in charge of the unit;

(b) the Yellow Fever Controlling Officer and his staff shall carry out all instructions given to them by the officer in charge of the unit;

(c) the Provincial Government shall provide such staff for anti-mosquito measures as the officer in charge of the unit may consider necessary.

11. Power to order special anti mosquito measure (1) The Yellow Fever Controlling Officer may, in consultation with any of the

of the officers mentioned in proviso (a) to regulation 8(1) by notice in writing direct the owner of any land to take or adopt with respect to that land, within such time as may be specified in the notice; any one or more of the following precautions or measures:

(i) the repair of all gutters, downpipes and drains;

(ii) the construction or reconstruction of any cistern, tank or artificial pond required by the owner in such manner as may make it capable of being emptied periodically;

(iii) the temporary draining and the clearing of any such Cistern tank or pond, and the closing thereof when it is no longer required by the owner;

(iv) the filling up or the draining of any disused well, cesspit, pond or other collection of water;

(v) the filling up of natural pits and hollows and low-lying parts of the land;

(vi) the filling up, or the draining, or the treatment with larvicide, of swamps and water-logged parts of the land.

(2) Service of any such notice may be effected upon any owner either personally or by leaving the notice with some adult person living with the owner or by posting the notice in some conspicuous part of the land.

(3) Every such owner shall comply with the directions in such notice within the time specified therein.

(4) If any owner fails to comply with any such direction within the time specified

specified in the notice, then without prejudice to any other proceedings which may be taken for failure to comply with the direction the Yellow Controlling Officer may take measures for complying with the direction and recover the costs thereof from the owner.

12. Measures to prevent breeding of mosquitoes. If in the opinion of the Yellow Fever Controlling Officer

(a) any peon, ditch, tank, well, pond, quarry-hole, drain, water course, or any collection of water; or

(b) any cistern or other receptable for water, or any article or thing capable of collecting rain-water during the season, whether inside or outside a building; or

(c) any land on which water accumulates or is likely to accumulate; or

(d) any premises or part thereof whether occupied or unoccupied under construction, re-construction or domolition, is or is likely to become a breading place of mosquitoes, the Yellow Fever Controlling Officer may, by notice in writing, require all or any of the following persons

(i) the person by whose act, default or sufferance the breading of mosquitoes has arisen or is likely to arise;

(ii) the owner or occupier of any premises on which the breeding of mosquitoes has arisen or is likely to arise;

(iii) where the breeding of mosquitoes has arisen or is likely

likely to arise in connection with the work of construction, reconstruction or demolition of any premises or part thereof, any architect, contractor or other person engaged in carrying out such work to prevent the breeding of mosquitoes and the recurrence thereof by taking such measures and executing such work in such manner and within such time as may be prescribed in the notice; and thereafter, notwithstanding that the breeding of mosquitoes may have been stopped, the Yellow Fever Controlling Officer, may, if he considers that the breeding of mosquitoes is likely to recur, by like notice require all or any of the aforesaid persons to take all steps necessary to prevent such recurrence, including such work to be executed or other measures to be carried out as may be specified in the notice.

13. No wells, tanks etc. to be constructed without permission.- No new well, tank, pnd, cistern, fountain or any immoveable receptacle for water shall be dug or constructed without the previous permission in writing of the Yellow Fever Controlling Officer; and if any such work is began or completed without such permission, the Yellow Fever Controlling Officer may by written notice either -

(a) require the owner or other person who has carried out such work to fill it up or otherwise demolish it in such manner as may be prescribed in the notice; or

(b) grant permission to retain such work with such modifications, if any, as may be specified in the notice.



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14. Power to order anti-mosquito measures in boats or country crafts.

The Yellow Fever Controlling Officer may

(a) enter and inspect a steamer, sailing or rowing boat, "machwa", "phatmari" or any other country craft and order the owner or occupier thereof to destroy mosquitoes, to store drinking water in mosquito-proof receptacles, to maintain all cisterns, tanks or other receptacles for water at all times so closed or covered as to make them mosquito-proof and emptying them at least once every week, and to maintain free of any casual collection of water any part of the steamer, sailing or rowing boat, "machwa", "phatmari" or any other country craft.

(b) require any steamer, sailing or rowing boat, "machwa", "phatmari" or any other country craft to moor at a distance of not less than 220 yards from the coast.

15. Power of the Yellow Fever Controlling Officer to enter upon or occupy land or building; payment of compensation.

(1) The Yellow Fever Controlling Officer may enter or occupy any land or building or premises which are required for and are in the opinion of the Yellow Fever Controlling Officer suitable for any purposes connected with Yellow Fever measures. For such occupation the Yellow Fever Controlling Officer shall pay such rents as may be agreed with the owner or occupier of such land building or premises and in the absence of an agreement as may be fixed by a board of arbitration consisting of three members. One member

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of the board shall be elected by the Yellow Fever Controlling Officer, another by the owner or occupier of the land building or premises and the third, who shall be the chairman, by the two members so selected or if the members fail to select the chairman, by the Mamlatdar or the Mahalkari of the Taluka or Peta in which such land building or premises are situate or by such officer as the Provincial Government may empower in this behalf,

(2) When any land or building occupied under sub-regulation (1) ceases to be occupied for any purpose connected with the Yellow Fever measures the Yellow Fever Controlling Officer shall cause it to be thoroughly cleansed and disinfected, and, if the owner of such building so desires, to be white-washed inside and outside,

(3) For the purposes of this regulation the occupation of any building under these Regulations shall be deemed to have commenced on the occupier being required to vacate or on actual entry and occupation under the Regulations whichever is earlier.

16. Power to enter buildings etc. The Yellow Fever Controlling Officer or any person authorised by him in this behalf may —

(a) enter with or without notice at any time of the day or night with or without assistants or workmen any dwelling house store-house or other building, whether occupied or not, for the purpose of inspection or survey or destroying mosquitoes by fumigation or any other means or prevention of mosquito breeding or destruction of any animals infected with yellow fever or execution of any work which is authorised by these regulations or which is necessary for any of the provisions of these regulations and may order

may order the temporary removal of any article or articles in order to facilitate destruction of mosquitoes or permanent removal or complete destruction of any article or articles capable of breeding mosquitoes from such premises:

(b) detain in any town or village in the district.

(i) for a period not exceeding twenty-four hours, any person conveying clothes, bedding or -- articles of merchandise from an infected area, pending the disinfection of such person's clothes, bedding or articles;

(ii) any person coming from an infected or threatened area in isolation up to a period not exceeding thirteen days in the building designated for the accommodation of such persons:

(iii) any monkey, cat, hedgehog, guinea pig, mouse or squirrel up to a period not exceeding one month to enable tests for immunity to be made;

(iv) any dog, ferret, mongoose, rabbit, rat, pig, horse, or bird up to a period not exceeding one week for the same purpose.

17. Destruction of huts, etc.

(1) If it appears to the District Local Board or the Municipality, as the case may be, that the destruction of any hut or shed in any area subject to its jurisdiction is necessary to prevent the spread of yellow fever, it may, with the previous sanction of Magistrate not lower in rank than a Magistrate of the Second Class, take summary

summary measures for the destruction of such hut or shed and of the materials of which it is constructed.

(2) The District Local Board or the Municipality as the case may be, shall pay by way of compensation to the owner of such plot or shed, such sum as it may consider sufficient to cover the cost of repairing the damage or replacing the property destroyed.

18. Conditions of Temporary employment.- (1) In the absence of a written contract to the contrary, every person temporarily employed to do duty under these regulations shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof unless he is discharged for misconduct, or was engaged for a specific term and is discharged at the end of such term.

(2) No such person shall, without reason cause, resign his employment except after giving one month's notice or absent himself from his duties, or neglect or refuse to perform any of his duties

19. Delegation of powers. (1) The District Magistrate and Yellow Fever Controlling Officer may delegate to their respective subordinates such of their powers under these regulations as they may deem necessary porvided that the discharge of the powers so delegated shall be subject to the control of the said authority or officer as the case may be.

(2) References in these regulations to the District Magistrate and the Yellow Fever Controlling Officer shall be deemed to include

references to those of their respective subordinates to whom the relevant powers have been delegated under these regulations.

20. Persons not to obstruct performance of duty. Every person on whom any order or requisition is served under these regulations shall duly comply with the same and no ~~and~~ person shall obstruct the performance of any duty imposed by these regulations.

21. Expenses by whom to be borne. The expenses incurred (including rent or compensation to be paid, if any) in the carrying out of these regulations shall, in the case of action taken in municipal boroughs or districts or notified areas, be payable by the municipalities or notified area committees, as the case may be, and in other cases by the district local boards concerned.